

**REPORT - PLANNING COMMISSION MEETING**  
**January 22, 2003**

**Project Name and Number:** MISSION VILLAS (PLN2003-00266)

**Applicant:** Braddock & Logan Group II

**Proposal:** To consider a preliminary and precise Planned District for 18 single-family and 54 multi-family residences.

**Recommended Action:** Recommend approval to Council based on findings and subject to conditions

**Location:** 533, 575, 615, 669, 687 Washington Boulevard in the Mission San Jose Planning Area

**Assessor Parcel Number(s):** 513-504-103; 513-504-104; 513-504-105-01; 513-504-1-05; 513-504-102-02; 513-504-102-01

**Area:** 5.71 acres

**Owner:** Braddock & Logan Group

**Agent of Applicant:** Jim Sullivan

**Consultant(s):** Frisbie Planning (Architect),  
MacKay & Soms (Engineer),  
KTTY Group (Architect)

**Environmental Review:** A Mitigated Negative Declaration was adopted by the City Council prior to approval of the General Plan Amendment on May 13, 2003

**Existing General Plan:** Medium Density Residential (6.5-10) and Medium Density Residential (15-18)

**Existing Zoning:** P(H)(H-I) Planned District, Historic Overlay District, Hillside Combining District

**Existing Land Use:** Two single family homes and vacant land

**Public Hearing Notice:** Public hearing notification is applicable. A total of 182 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Washington Boulevard, Enos Street, Gallegos Avenue, Gallegos Terrace, Emerson Street, Palm Avenue, Coit Avenue, Nielsen Court, Hawthorne Drive, Washington Common, Debrum Common, Azevedo Common, and Livermore Common. The notices to owners and occupants were mailed on January 9, 2004. A Public Hearing Notice was delivered to The Argus on January 5, 2004 to be published by January 8, 2004.

**Background and Previous Actions:** The project site is located in the Mission San Jose Planning Area and is located immediately between Gallegos Avenue and Coit Avenue on the north side of Washington Boulevard. The project site is more generally located between Paseo Padre Parkway and Mission Boulevard on the north side of Washington Boulevard. The site is primarily surrounded by residential uses. Single-family residential neighborhoods lie to the north and east. A mix of single-family and multi-family structures lies to the south and west. An auto-related commercial facility is located southeast of the site on Washington Boulevard. Further to the east on Mission Boulevard is the Mission San Jose historic business district, with a mix of small- and medium-sized retail businesses.

A large portion of this vacant property (533 Washington Boulevard) was formerly a supermarket, most commonly known as Rebello's Market. The supermarket was constructed sometime after 1959 and was destroyed by fire in the late 1980's or early 1990's. This portion of the site has remained vacant since that time with the principal use being a lot for

Christmas tree sales. The Irvington Auto Service at 493 Washington Boulevard is at the same site as a former service station, Irvington Automotive. The service station use changed to an automotive repair use in 1985. The service station is not a part of this application. Two existing single-family homes would be demolished to complete the project.

The Planning Commission recommended approval of a Mitigated Negative Declaration and a General Plan Amendment from Medium Density Residential (6.5-10) and Neighborhood Commercial to Medium Density Residential (6.5-10) and Medium Density Residential (15-18) on March 13, 2003. The City Council adopted the Mitigated Negation Declaration at the April 8, 2003 City Council meeting and then approved the General Plan Amendment at the May 13, 2003 City Council meeting.

The Preliminary and Precise Planned District application was referred to the Historic Architectural Review Board (HARB) on November 6, 2003 for comment on architecture of the multi-family residences. The HARB did forward the plans to the Planning Commission and City Council, with comments, as detailed below.

**HARB Review:** The Historic Architectural Review Board raised a number of concerns and had suggested changes at the November 6, 2003 meeting, as follows:

Concern: Privacy concerns between single-family detached and townhome product. Suggested change: Change windows in townhome product where there is interface between the townhome and single-family homes with either high windows, obscure glass or skylights. Applicant's response: The applicant proposes to work with staff at the Development Organization review level with either high windows (for example, clerestory windows) or obscure glass. The applicant will not consider skylights as an option because of maintenance concerns.

Concern: Limited color palette for multi-family product. Suggested change: Greater variety in color palette for multi-family product. Applicant's response: The applicant will increase the color palette from four to eight separate color schemes to be displayed at the Planning Commission meeting, if so desired by the Planning Commission.

Concern: The maximum height requirement of the Mission San Jose Design Guidelines of 30 feet, as measured to the top of the roof ridge, is not being met. Suggested change: Meet the Mission San Jose Design Guidelines of 30 feet to the top of the ridge. Applicant's response: The roof pitch is being lowered from 6:12 to 5:12. This will bring the height of the building to 31 feet 9 inches (from 33 feet 4 inches with 6:12 pitch). [Staff note: The maximum height in the Mission San Jose Design Guidelines is a guideline that may be waived.]

Concern: A gate should be included as part of the emergency vehicle access (EVA) on Enos Court. Staff's response: The EVA on Enos Court has now been eliminated as the Fire Marshall has stated that alternative measures (enhanced fire sprinklers) may be used in lieu of the EVA.

Concern: There needs to be greater architectural distinctions between the individual units. Suggested change: Front elevations on the multifamily units should be modified to differentiate each unit more. Applicant's response: The applicant has stated that the proposed articulation is appropriate for the project, and has not proposed any changes in response to this concern.

Concern: Unclear whether or not gas fireplaces are provided for the single family homes. Suggested change: Provide gas fireplaces for the single family homes. Applicant's response: Gas fireplaces with fixed glass will be provided for each of the single family homes and Plan's 2 and 3 of the townhomes.

Concern: The handrails on the patios show as tubular steel rather than wrought iron. Suggested change: Provide wrought iron for handrails rather than tubular steel. Applicant's response: Steel bent to resemble wrought item weathers better than wrought iron and is still being proposed for the project.

The minutes of the HARB meeting are provided as an enclosure to provide additional background of the HARB members' concerns.

**Project Description:** The proposed project is to re-zone the site from a preliminary planned district P-(H) (H-I) to a precise planned district P-2003-266 (H) to develop 18 single-family detached homes on Enos Street and 54 townhomes on Washington Boulevard. The townhomes are represented by five different building types and three different floor plans. Building One has 3-units and this building type is represented in two locations on the precise site plan (units 37-42). Building Two contains 6-units and is represented in one building on the site plan (units 43-48). Building Three is another 6-unit building and is represented in one building on the site plan (units 49-54). Building Four is the eight-unit building (units 1-8). Building Five is the four-unit building type which is presented in 7 different buildings on the precise site plan (units 9-12, 13-16, 17-20, 21-24, 25-28, 29-32, and 33-36).

The three distinct floor plans are each 3 stories. Plan 2 is a 1,520 square foot three bedroom, two bath home with a 487 square foot basement level two-car garage. Plan 3 is a 1,615 square foot three bedroom, two bath home with a two-car garage. Plan 3 also has a modified end unit of 1,676 square feet. Plan 1 is a more compact townhome with 1,221 square feet or a modified end unit of 1,332 square feet. This plan is a two-bedroom, two bath unit and the 593 square foot basement level is a tandem garage. Eight of these units will be the affordable units.

The townhome development contains 22 Plan 1's, 12 Plan 2's and 20 Plan 3's.

The single-family homes on Enos will consist of 14 homes on the south side of the street and 4 homes on the north side of the street with the extension of the cul-de-sac to the west. The single-family development has four distinct floor plans, including both one-and two-story homes, ranging in size from 1,525 to 2,244 square feet exclusive of garage area. Each of the 4 plans has two different exterior treatments to provide additional variety. There are 4 Plan 1's, 4 Plans 2's, 5 Plan 3's and 5 Plan 4's.

#### **Project Analysis:**

- **General Plan Conformance:** The existing General Plan land use designation for the project site is medium density residential (6.5-10 and 15-18 dwelling units per acre). Based upon the above land use designation, the development potential for the project site is as follows:

##### **Medium Density Residential Development (6.5-10 dwelling units per acre)**

Step 1	2.5 acres	x	6.5	=	16.25
Step 2	2.5 acres	x	8.3	=	20.75
Step 3	2.5 acres	x	10	=	25

##### **Medium Density Residential Development (15-18 dwelling units per acre)**

Step 1	3.2 acres	x	15	=	48
Step 2	3.2 acres	x	16.5	=	52.8
Step 3	3.2 acres	x	18	=	57.6

The approved General Plan Amendment would allow for a maximum of 82 units. The applicant is proposing to develop 18 single-family and 54 multi-family units for a total of 72 units. The proposed project was deemed complete prior to July 1, 2003 and is not required to meet the midpoint of the density range. The project is also not subject to the inclusionary housing requirements because this project was an active application at the time of the passage of the inclusionary housing ordinance. However, at the General Plan Amendment stage, the applicant voluntarily proposed a 10 percent affordability component with 7 units. At the March 13, 2003 Planning Commission meeting, the Planning Commission requested consideration of providing additional affordable units. Although not required to, the applicant is now proposing 8 affordable units.

Staff believes the proposed use and design, as conditioned, is consistent with the General Plan designation, because the project meets General Plan Housing and Land Goals and Policies as follows:

GOAL H 2: High quality and well designed new housing of all types throughout the City.

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Policy LU 1.23 A variety of unit types and sizes shall be encouraged within each multi-family project.

The single-family homes and multi-family homes substantially meet the requirements of the Small Lot Design Guidelines and the Mission San Jose Design Guidelines and represent a high quality product. The development will provide eight affordable units for purchase. Also, due to the mix of products, both single-family and townhome, a range of market rate housing units will be added to the City of Fremont housing stock. Three different unit types will be provided in the multi-family product to add variety of type and size of units.

**Compliance with Mission San Jose Guidelines:** The proposed project is consistent with the Mission San Jose Historic Overlay District Design Guidelines in a variety of ways as detailed below. (Inconsistencies with the plans, as they occur, are also noted below.)

The intent section of 2.0 Design Styles and Materials states the following: "The intent of the design guidelines and regulations for design styles and materials is to promote multi-family housing development that is compatible with the California bungalow, mission style and one-story, postwar houses that are found throughout residential neighborhoods in the Mission San Jose Historic Overlay District." In addition, Section 1.1, Unit Mix, encourages a mix of unit types to promote the single-family character of the neighborhood.

The multi-family product is providing a mix of unit types throughout the development, which promotes the single-family character of the neighborhood. The applicant has stated that the Craftsman Bungalow style is the predominant design strived for within the multi-family development. The project separates the development by providing a single-family product on Enos Court, which is currently developed with single-family homes, and the multi-family product on Washington Boulevard, which is currently developed with a mix of single-family homes and a higher density multi-family projects. The project proposes single-story homes for the immediate interface with the existing single-story homes on Enos Court. The project has eliminated stacked units that were originally proposed and has included instead "skinny" town homes to complement the remaining town homes.

Section 1.2, Building Height encourages residential building height be limited to 30 feet in height. The building height of the project is 32 feet from the ridge of the roof to ground level at the front, and 36.5 feet from the ridge of the roof to the ground level at the rear, as originally proposed. The applicant now proposes to lower the roof pitch to 5:12 which would reduce the building height to 31 feet 9 inches at the front of the unit.

Section 1.3, Front Yard Setbacks, includes a number of recommendations. Subsection a) encourages a 20 foot setback from the front property line. The multi-family product generally has at least a 20 foot setback from the front property line. Subsection c) encourages walkways leading from the public sidewalk to individual units facing the street. There are individual walkways out to sidewalks and extensive front yard landscaping for both the single-family and multi-family products. Subsection d) discourages the use of berms in front yard areas. Berms have been used in the front yards of the multi-family product.

Section 1.4, Porches, encourages the use of useable porches with front door entries facing the street. The project includes useable porches on the majority of both the single-family and multi-family product types.

Section 1.5, Parking, states that parking areas should be located in areas with minimal visibility from the street. Parking areas on the multi-family portion of the project have been located beside existing service station and carport areas. Parking areas are generally not visible from the street. All multi-family garage doors are facing internal private streets rather than facing Washington Boulevard, as encouraged in Section 1.6, Garage Doors.

Section 2.1 Single-Unit Character suggests that units should be distinguishable from each other, using a variety of architectural techniques to provide this differentiation. The articulation of the buildings with multiple projections and staggered setbacks assists in the appearance of better defined individual units.

- **Consistency with Small Lot Design Guidelines.** The following sections analyze the proposed project for compliance with the City's Design Guidelines for Small Lot Residential Developments.

On Street and Off-Street Parking:

Each unit has a two car garage and garage apron which can accommodate at least two cars. Five of the lots have garages located at the rear of the lot and substantially longer driveways. Each unit has at least one on-street parking place. Most of the units are served with necked down curb cuts, although the single story units have standard driveway designs. No two standard driveways are located together.

Lot Sizes: The lots range in size from 4,025 square feet to 7,607 square feet with the average lot size being 5,816 square feet.

Floor Area Ratio: The Design Guidelines state that the maximum average or base floor area ratio (FAR) for the entire project is 0.5 with the maximum FAR for any one lot being 0.7. Information from the applicant states that the overall FAR for the project is .51 with the lots ranging from .29 to a high of .64. Therefore, the project is substantially consistent with design guidelines related to FAR of built area to the lot area.

Setbacks and Building Separation: The purpose of building setbacks is to ensure appropriate building separations and to provide yard spaces that are useable. The design guidelines call for varied setbacks to provide a more interesting street view. However, certain minimum standards are also prescribed. The project design proposes front yards that range from 10 to 15 feet with encroachment of porches to within 7 feet. This is consistent with Design Guideline 2.2.1.

As noted in the Design Guidelines, the single most important feature impacting the streetscape and appearance of residential neighborhoods is the location and design of off-street parking and garages. The guidelines encourage home designs that minimize the negative impact of garages and driveway aprons on the streetscape. The guidelines require that a maximum of 50 percent of units have standard driveways and aprons and no two standard driveways be located next to each other. Four of the homes (22 percent, Plan 1's) have garages with standard aprons and curb-cuts. The garages are set back from the front façade approximately 12 to 18 feet. Five of the units (or 28 percent, Plan 4's) have rear garages and narrower driveways and curb-cuts. The rest of the units (9 units, 50 percent, Plan 2's and 3's) show a garage setback 20 feet from the front porch and a necked down apron and smaller curb-cut. These units would qualify as semi-recessed garages. This mix of garage locations and driveway designs is consistent with the Design Guidelines.

According to the applicant, and as shown on Sheet 45, "Typical front yard planting", all driveways include accent paving, scoring or smooth trowel bands to create some visual interest. In order to further reduce the visual impact of two car garages from the street, the applicant will be required to paint the garages the same color as the body of the house and not white or an accent color (Condition B-7).

Yards: Small lots should incorporate large and small open spaces. Proposed front yards vary from 7 feet (not including an 8 foot deep porch) to 10 feet. Plan 4 (with the rear garage) which have the smallest rear yard, also include a paved side yard court area (approximately 18 by 24 feet) accessed from the kitchen area. With the gate option, this area would provide a safe play or patio area. All but five units have rear yards 15 foot deep by 50 feet wide, or 750 square feet. All units meet the minimum back yard requirement of 15 feet by 20 feet.

**Building Design: Elements, Materials, Color**

Building Sizes: Four different floor plans, including a single story plan, are proposed. Two different elevations are provided for each floor plan. The proposed houses vary in size from 1,930 square feet to 2,698 square feet including the garage. The area and room compositions of the residences are:

Plan 1	One-story	1,930 s.f. (405 s.f. garage)	3 bedroom/2 bath
Plan 2	Two-story	2,424 s.f. (406 s.f. garage)	3 bedroom/3 bath + parlor/office

Plan 3	Two-story	2,571 s.f. (404 s.f. garage)	4 bedroom/3 bath + parlor/office
Plan 4	Two-story	2,687 s.f. (443 s.f. garage)	4 bedroom/2.5 bath + living room

The distribution of the house types is as follows:

Plan 1:	4 units (22 percent)	Lots: 1, 4, 14, 18
Plan 2:	4 units (22 percent)	Lots: 2, 7, 9, 11
Plan 3:	5 units (28 percent)	Lots: 5, 8, 12, 15, 17
Plan 4	5 units (28 percent)	Lots: 3, 6, 10, 13, 16

**Architectural Styles:** The applicant describes the architecture of the homes as reminiscent of the California bungalow, Craftsman and Victorian Styles. (See enclosed Architectural Description). Plan 1 picks up elements of the Craftsman and bungalow styles with low pitched gabled roof, brackets, and a porch. Plan 2 and 3 continues this theme with the same low pitch roof, wood shingle trim and substantial window trim. Plan 4 draws from the Victorian style with more vertical massing, steeper pitch roofs, tall narrow windows and bay windows, and more slender porch supports. The houses are analyzed not as examples of a specific style of architecture, but more for the variety they include in size, scale and detailing. The scale and massing of the homes are discussed in the section below.

**Massing/Articulation:** The purpose of Guideline sections 3.1 and 3.2 was to include a variety in massing and to minimize perceived density of two story neighborhoods. The variety of massing is to be achieved by defining a range of ratios of second floors to first floors. The guidelines state that a minimum of 15 percent of the residences should be one-story homes, 30 percent could have a small second story (maximum 30 percent of the first floor), 30 percent could have a medium second story (maximum 50 percent of the first floor area) and the remaining 25 percent of the homes could include a larger second floor (maximum of 75 percent of the first floor area).

	Plan 1	Plan 2	Plan 3	Plan 4
% of units in the project	22%	22%	28%	28%
First floor	1930	1865	1676	1528
Second floor	N/A	559	900	1159
Ratio of second to first floor (Project proposal)	N/A	30%	54%	76%

The proposal has more than the required number of single story homes and complies with the guidelines in terms of the number of units with a small size, medium size and a larger second story. The increased number of one story units reduces the percentage of two story plans, and the percentage mix is fairly equal between the types of plans. Staff concurs that this satisfies the intent of the guidelines.

**Materials:** The design guidelines require all developments with over four homes to include at least two primary building materials (a primary material is defined as a material used on a minimum of 67 percent of the entire building façade.) Alternatively, the guidelines suggest that all buildings could incorporate a minimum of 33 percent of a secondary material on each façade. As proposed, the project includes stucco and siding as primary materials on Plan 1, Plan 2 and Plan 3. The stucco variant for each of these plans includes a ledge stone base. The applicant is proposing architectural grade composition roofing on some models and flat concrete tile on others. Aluminum windows with mullions (strips of material to divide the window panes) are proposed. The variety of materials is consistent with the Design Guidelines.

**Colors:** Color should be used to provide visual variety within a neighborhood. The Design Guidelines state that a minimum of two colors from different color families should be used. The applicant has proposed seven color schemes (color and material boards will be available at the public hearing).

- **Zoning Regulations:** The existing zoning of the proposed project is a Planned District and the R-3 zoning district is considered in evaluating the proposed project for general conformity with City standards.

The applicant is requesting modifications from the Fremont Municipal Code (FMC) and Council-adopted Development Policies in terms of setbacks and private open space. The proposed design does meet the lot coverage, public open space, parking and front and side yard setback requirements. The rear units do not meet the rear yard setback of twenty feet. The proposed setback is 10 feet from the rear property line. The recently adopted R-3 standards generally require a rear setback of ten feet. However, where adjacent to a project with a density of ten units per acre or less, the requirement is twenty feet. Staff believes the proposed setback is appropriate to achieve the desired density for this infill site.

The private open space requirement in the newly adopted R-3 standards is for each unit to have either a balcony of at least sixty feet or a patio with at least 100 square feet with a minimum interior dimension of 10 feet. This project is proposing ground floor patios of 80 to 90 square feet with a minimum dimension of no less than 8 feet. Plan 2's have patios of 10 feet by 9 feet, Plan 3's have patios of 10 feet by 8 feet and Plan 1's have patios of 9.5 feet by 8 feet. In addition, Plan 2's show a 3 foot by 10 foot balcony. Also, the Plan 3 end unit patio is a wrap-around porch with a 6 foot by 18 foot element parallel to the street and a 6 foot by 13 foot element perpendicular to the street. Staff believes the proposed patio sizes are quite close to the objective stated in the R-3 standards and feel the proposal is appropriate to achieve the desired density and landscaping for the site. In terms of the wrap-around porch, this modification provides a more pedestrian-oriented feature with "eyes on the street" for enhanced security and architectural treatment.

In terms of height, the single-family homes will not exceed the allowable height of 30 feet (maximum of 26 feet is proposed). For the multi-family product, although this is a Planned District, staff refers to the R-3 standards for initial guidance. The R-3 district allows for a maximum height of 52 feet for multi-family development. However, when the project is within 50 feet of a property with a density of ten units per acre or less, the maximum allowable height is 30 feet. The building height ranges from 28 feet 5 inches to 31 feet 3 inches to the midpoint of the roof. Because portions of the development occur within 50 feet of property with a density of ten units per acre or less, and because the maximum height exceeds 30 feet, the proposal will exceed the allowable requirement for the R-3 district. However, as this is a Planned District, this standard may be varied from. Staff believes that this height (an average of 29 feet 10 inches) is appropriate to achieve the desired density for the site.

It should be noted that the proposal is to remove the property from the Hillside Combining (H-I) District. This site is essentially flat and this section of the code was originally prepared to address the hill condition. With the proposal to remove this site from the H-I, there will be no conflict with height requirements in the Hillside Combining (H-I) District.

Staff believes the site plan, architecture, and landscape plans have adequately addressed staff comments and concerns; that effective conditions of approval have been incorporated to resolve any remaining, outstanding issues; and that the project, as conditioned merits all proposed deviations from the Fremont Municipal Code.

**Planned District Justification and Analysis:** The applicant is proposing the Planned District zoning in order to allow the development of the site. The amenities proposed with this project as justification for the Planned District rezoning and higher density, in accordance with Section 8-21811(e) of the FMC, are:

<u>On-site</u>	
Single Family Dwelling Portecochere's (5 @ \$3,000)	\$15,000
Upgraded paving @ Multi-Family entrances	\$24,000
Tot Lot	\$15,000
 Total	 \$54,000

<u>Off-site – Irvington Automotive Center</u>	
Painting Exterior	\$15,000
Adding Awnings (2)	\$5,000
Half Wall along frontage	\$3,000
Landscaping along frontage	\$2,000
 Total	 \$25,000

The applicant is required to pay \$29,400 in amenity fees for on-site improvements and \$40,600 in off-site amenity fees for a total of \$70,000 in amenity fees. The applicant is proposing to provide \$54,000 in on-site improvements and \$25,000 in off-site improvements. The applicant will be required to pay the City of Fremont the remaining \$15,600 for additional off-site amenities.

The applicant is working with the Irvington Automotive Center to upgrade their facility as part of the off-site amenity fees. This improvement would be of benefit to the neighborhood as a whole, as well as the Mission Villas project. If these negotiations with the Irvington Automotive Center are not successful, staff will work with the applicant at the Development Organization stage to identify other improvements or receive additional fees.

An overview of the required Planned District Findings (per FMC Sec. 8-21813) and staff comments are provided below for Planning Commission review. These findings are further incorporated into the Findings and Conditions of Approval (Exhibit "C") for the project. Findings are as follows:

- (a) *The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.*

Staff Comment: The project can be completed within this period of time.

- (b) *Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.*

Staff Comment: The proposed residential land use is consistent with the General Plan designation. The applicant has incorporated many features including significant landscaping, high quality design and construction for the residential units. Staff believes that the project will have a beneficial effect that could not be achieved under the standard R-3 zoning district.

- (c) *The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.*

Staff Comment: The increased traffic from the proposed project was determined by the City's Traffic Division staff not to be a substantial increase for Enos, Coit or Washington Blvd. The proposed project will install complete street improvements along the project frontage and overall traffic flow and circulation should be improved.

- (d) *Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.*

Staff Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) *Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.*

Staff Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) *The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.*

Staff Comment: The area surrounding the development is developed or could be developed in substantial compatibility with the proposed project.



(g) *The "P" district is in conformance with the General Plan.*

Staff Comment: The project conforms to the General Plan density, as well as the goals and policies of the Land Use and Housing Chapters.

(h) *That existing or proposed utility services are adequate for the population densities proposed.*

Staff Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

**Parking:** The project meets the required parking. Multi-family product: The recently modified parking standards require 1 covered parking space for each two or more bedroom unit plus .5 uncovered spaces per unit for residents plus .5 uncovered spaces per unit designated for guest parking only. With 54 units, the project is required to provide 54 covered parking spaces and 86 covered spaces are provided. A total of 108 parking spaces are required for the site and 114 are provided. The number of required guest parking spaces is 27 and 28 will be provided. In addition, the twenty-two Plan 1's all have tandem parking spaces, which have not been included in the parking calculation. If these extra spaces are included in the calculation, there are 136 parking spaces being provided.

Single-family product: The 18 single-family homes on Enos Court all require two covered parking spaces. Two covered parking spaces are provided for each unit.

**Landscaping:** The City Landscape Architect has reviewed the plans for proposed tree removal and preservation. The proposed project is located on a site that has 9 mature trees throughout. In addition, 3 trees on adjacent properties will be impacted by the development. All trees are designated for preservation except for Tree # 94 Sweet Gum. Since the removal of this tree will have little effect on City's urban forest due to its small size and the project greatly improves the site with the planting of many new trees and the preservation of 8 other trees. This is consistent with the provisions of the Tree Preservation Ordinance.

The Cedar tree number 95, designated for preservation, will require tree protection measures that may include construction of a retaining wall up to three feet high, relocation of proposed hardscape elements, relocation of utilities and modifications to grading. The City shall hire an Arborist at the client's expense to analyze the impacts of the development on the trees and prepare specific guidelines for the preservation of these trees during the Tract Improvement Plan review. Particular emphasis will be placed on the above mentioned Cedar tree during this evaluation.

**Circulation/Access Analysis:** The project site is split into two portions. The single-family detached homes have access and frontage on Enos Street, an existing minor residential cul-de-sac street. The multi-family townhouses have access from Washington Boulevard, an existing four-lane thoroughfare. On-site vehicular access to the townhouses is provided by private vehicle access ways (PVAW), a type of private street used for condominium and townhouse projects. Article 21.3 of the Zoning Ordinance, Special Provisions Applying to Miscellaneous Uses, requires all condominium projects conform to the provisions of Article 20 (parking code) and the development policy for private vehicle access ways (FMC 8-22135(3)(a)).

Private Vehicle Access Way Analysis: The development policy for private vehicle access ways adopted by City Council, establishes guidelines for developments which use PVAW. Due to the design of the project and size/shape of the project site, the following PVAW principals and standards are not being met with this project:

- PVAW Policy #8: Minimum edge of pavement radius is to be twenty feet, except for "turn around" facilities.

Analysis: The "Revised Plan" does not include radial curb dimensions at changes in direction on the PVAW, however, for the most part, the curb radii comply with the policy. The only area where the plans do not conform to the policy is the PVAW intersection between buildings 7, 11, and 12. The on-site intersection is awkward at this location due to the size of the property, shape of the property, and the design of the townhouse units.

- **PVAW Policy #9:** An adequate hammerhead or bulb turn around is to be provided at the end of a dead-end private vehicle access way unless the design incorporates a "T" or four-way intersection within one hundred twenty feet of the end of the access way. Turn around facilities are to be adequate to allow fire apparatus and other emergency vehicles to turn around without backing into parking spaces.

**Analysis:** The townhouse portion of the project has two separate PVAW circulation systems, each provided with one unlimited access driveway on Washington Boulevard (near the middle of the project frontage) and one emergency vehicle driveway (near the edges of the project frontage). Each PVAW has dead-ends, but for the most part, they are less than one hundred and twenty feet in length from a T-intersection. The PVAW drive aisle in front of building 12 is approximately 160 feet long (exclusive of the parking stalls), and therefore does not comply.

The Fire Department is not requiring a turn-around east of building 12. Passenger vehicles will either be able to use the parking stalls at the PVAW terminus to aid turn-around maneuvers, or 3-point turns will be necessary along the PVAW in order to turn around a vehicle. Garbage, delivery, and other service vehicles may need to back out of this drive aisle, but they will be able to turn around at the intersection between building 11 and 12. Deviation from the strict interpretation of this PVAW policy is proposed for the drive aisle in front of building 12 and is part of this Planned District application.

- **PVAW Policy #15:** A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

**Analysis:** The size of the project site and the design of the units restrict the amount of available area for pedestrian facilities. Pedestrian walkways are proposed throughout the site, but none of them run adjacent and parallel to the PVAWs. Buildings 1, 6, 7, and 8, each have units with walkways connecting to the public sidewalk on Washington Boulevard. Additionally, the central open space between buildings 5, 6, 8, and 9, have a pedestrian pathway system with a connection to the Washington Boulevard sidewalk. Buildings 2, 3, 4, 10, 11, and 12, lack a dedicated, uninterrupted pedestrian connection to Washington Boulevard. Residents and visitors of these units will have to cross and walk within the PVAW drive aisle.

Several recent townhouse and condominium projects have been approved without sidewalk on both sides of the PVAW, typically because the front door of the units are on the opposite side of the building from the garage (as is the case for the proposed townhouses). The applicant is requesting deviation from the PVAW policy as part of the Planned District application.

**Street Improvements:** The project is split into two parts. The northern part, along Enos Street, is proposed as single-family detached homes and the southern part, along Washington Boulevard, is proposed as multi-family townhouses. The applicant proposes to extend Enos Street to the west, in order to provide frontage to eight of the eighteen new single-family lots. Washington Boulevard will be widened and improved along the project frontage. The following bullet points highlight the required right-of-way dedications and street improvements.

- **Washington Boulevard** is planned as a four-lane thoroughfare (two lanes each direction) between I-680 to the east and Mission Boulevard to the west. A two-way left-turn lane is planned for the center of Washington Boulevard, instead of a raised median. The ultimate right-of-way for this portion of Washington Boulevard is planned at 104 feet (52 feet from centerline) with a pavement width of 84 feet. Currently the Washington Boulevard frontage has street improvements along approximately 330 feet of the project frontage. These improvements were done to accommodate the previous commercial retail use on the site. Additionally, street improvements exist on both the east and west boundary of the project.

The developer shall dedicate street right-of-way and install complete street improvements to the centerline of Washington Boulevard. Off-site work may be required on either side of the project, particularly along the eastern boundary, to conform with the existing adjacent street improvements. As part of this planned district, the developer shall remove the existing commercial sidewalk along Washington and replace it with standard residential sidewalk and landscape strip. "Mission Bell" street lights will be installed along Washington Boulevard in conformance with City Standards.

- Enos Street is a minor residential cul-de-sac street and was originally constructed as part of Tract 1196 and 1389, both of which were approved prior to City incorporation in 1956. Further improvements were done as part of the commercial retail development that previously occupied part of the project site. The curb-to-curb pavement width of Enos Street is thirty-two feet, equal to current City standards for cul-de-sacs with less than twenty units. However the right-of-way width is only fifty-feet, two feet less than current City standards. The applicant shall dedicate right-of-way and install complete street improvements for the Enos Street extension. Additionally, in front of lots 8 through 18, the applicant shall provide a one-foot dedication along the south side of Enos Street and construct complete street improvements up to the Enos Street centerline. As part of the Planned District, the developer shall remove the existing commercial sidewalk along the project's Enos frontage and replace it with the City's current residential sidewalk standard, which provides for a five-foot wide landscaped planter between the sidewalk and the street.
- Off-site Improvement Requirement: Enos Street currently terminates as an unfinished cul-de-sac. The applicant proposes to move the terminus of Enos Street approximately 210 feet to the east, construct a standard cul-de-sac bulb, thereby providing additional public street frontage for the proposed single-family lots. The existing cul-de-sac shall be removed by the developer and replaced with City standard curb, gutter, landscape strip, and sidewalk. A portion of the existing cul-de-sac is along lots 12 and 13 of Tract 1389.
- Private Vehicle Access Ways (Townhouses): The developer is responsible for construction of the private vehicle access ways within the townhouse portion of the project. A private street application is required and will be processed alongside the required tentative tract map. A home owners association or other acceptable mechanism will be established for the long-term ownership and maintenance of the common facilities within the townhouse development, including the private vehicle access ways.
- Public Service Easement: The developer shall dedicate a minimum six-foot wide public service easement along the Washington Boulevard and Enos Street project frontage.

## **Design Analysis:**

**Architecture:** The Mission Villas multi-family product uses several classic American architectural styles, with elevations inspired by Craftsman, Victorian, and Shingle style architecture. These designs incorporate siding and shingle finishes, wood kickers, rafter tails and wood posts and stone piers. Window boxes, French balconies, and a variety of window trims contribute further interest to the elevations.

Each of the three floor plans have been designed with a distinct characteristic and unique details that allow for different living spaces and individualized building elevations. The potential use of different color schemes and design detail further provides this individualization. With raised porches half a level above the ground off the front elevation of each unit, residents may interact with others in outdoor public spaces.

Five building types were designed in response to their location on the site and range from three to eight units per building. The buildings adjacent to single-family homes are scaled so as not to be overbearing. On the Washington Boulevard frontage, the porches wrap around the sides to create a front elevation on the street. All sides of the building elevations are designed to compliment their surroundings.

The Architecture of the single-family product is described in the section on Compliance with Small Lot Guidelines.

**Landscaping:** The landscape is designed to enhance the 'California Mission' type architecture with a 'Santa Barbara/tropical' plant palette with an emphasis on drought tolerant materials. Trees were placed and selected to provide canopy shade, interest and human residential scale to the project as well as screening at the perimeters of the project. Shrubs were selected to provide visual interest, mark entries as individual and 'residential in character', break up building massing and for screening. A spine walk progresses through the project highlighted by a play area with benches in the center encouraging a sense of neighborhood. Evergreen trees have been used where the multi-family portion interfaces with the single family homes.

Total number of trees utilized in the multi-family portion of the project: 172 total (including street trees).

**View Impacts:** The project site has a minor grade and slope. The total height of the proposed structures (as defined by the Zoning Code - measured to the midpoint of the roof) is 28 feet 5 inches measured from Washington Boulevard and is similar to neighboring developments. This project will not have any significant view impacts.

**Grading/Topography:** The project site is partially improved with two existing single-family homes fronting Washington Boulevard and the parking lot and building pad of a former grocery store. The grocery store building was destroyed by fire. Also, there are existing street improvements including street trees along portions of the project frontage. All buildings and other on-site improvements are proposed for removal with this project. The applicant has provided a grading plan for informational purposes as part of the planned district. A Preliminary Grading Plan application will be provided for Planning Commission review and approval with the Tentative Tract Map application.

The site slopes down to the west from existing surface elevations of approximately 252 feet at the easternmost edge down to approximately 235 feet in the northwest corner. The single-family homes are proposed as flat-pad lots with pad elevations following existing and proposed slope of Enos Street. Retaining walls are proposed along the property lines of lots 1 through 9, 11 through 14, 16, and 17. The tallest proposed retaining wall is three feet tall and is located in the northwest corner of lot 4.

Grading, including construction of retaining walls, is proposed as part of the multi-family townhouse development. In addition to the retaining walls between the townhouses and single-family homes, there are retaining walls shown along the western boundary and around buildings 8 and 9. The retaining walls around buildings 8 and 9 do not appear necessary and the Project Civil Engineer has indicated that he will work with staff to revise the proposed grading in these areas during the Tentative Tract Map application process.

**Drainage:** An existing public storm drain pipe runs west from the end of the existing Enos Street cul-de-sac towards the adjacent residential development, Tract 2216. Near the project boundary, this storm drain pipe turns ninety degrees and runs north, through the side yard of Lot 4, Tract 2400, into a manhole in Emerson Street. The applicant's storm drain design uses this existing storm drain. The proposed and existing storm drain system must be evaluated for capacity. On-site and/or off-site improvements may be required to provide adequate storm drainage for this project. The drainage system shall be subject to approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

#### **Applicable Fees:**

- **Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The applicant will receive credit for the two existing residences.
- **Planned District Amenity Fees:** The amenity fees are described in the Planned District Justification and Analysis section above. To summarize, the applicant will provide \$54,000 in on-site amenities, \$25,000 in off-site amenities, and will pay an additional \$15,600 for additional off-site amenities.

**Waste Management:** This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Each individual unit will retain trash receptacles within their unit.

**Environmental Analysis:** An Initial Study and Draft Negative Declaration were prepared for the General Plan Amendment in March of 2003 and adopted by Council in April of 2003. There are no new impacts that were not analyzed in this environmental document.

A finding is proposed that this project does not represent any new impacts not addressed in the Initial Study and Negative Declaration adopted in April, 2003.

**Response from Agencies and Organizations:** Letters have been received from various agencies, including Alameda County Public Works Agency and the Alameda County Water District. The standard conditions have been identified. In addition, The Water District has identified the need to destroy existing monitoring wells. This will be required as a condition of approval.

This project was submitted to the Alameda County Congestion Management Agency (ACCOMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network.

The applicant held several neighborhood meetings to address neighbor concerns. The primary concern was a proposed emergency vehicle access off Enos Court, which has since been eliminated from the plan. The applicant has also committed to provide single-story units at the interface with existing single-family homes, another neighborhood concern.

**Enclosures:** Exhibit "A" (Site Plan, Floor Plans, Elevations, Landscape Plan)  
Exhibit "B" (Rezoning Exhibit)  
Historic Architectural Review Board minutes of November 6, 2003  
Applicant justification statement

**Exhibits:** Exhibit "A" (Site Plan, Floor Plans, Elevations, Landscape Plans)  
Exhibit "B" "Zoning"  
Exhibit "C" "Preliminary and Precise Planned District"  
Exhibit "D" "Material and Color Board"  
Exhibit "E" "Findings and Conditions"

#### **Recommended Actions:**

1. Hold public hearing.
2. Recommend the City Council find the previous initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources, and no new impacts have been identified. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Find PLN2003-00266 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report.
4. Find PLN2003-00266, as per Exhibit "A" (site plan, floor plans, elevations and landscape plans), fulfills the applicable requirements set forth in the Fremont Municipal Code.

5. Recommend to the City Council the preliminary and precise site plan for PLN2003-00266 as shown on Exhibit "B" (Zoning and General Plan Exhibit) and Exhibit "A" Sheet(s) 1-47 (preliminary and precise site plan, preliminary landscape plan, floor plans and elevations) and Exhibit "D" (material color and sample board) for PLN2003-00266 be approved, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "E".

This is a detailed street map of a neighborhood in San Francisco, likely from a historical or planning document. The map shows a grid of streets with various lot numbers and zoning designations. Key streets include Olive, Hetch, Gallegos, Emerson, Scott, Starr, and others. Zoning areas are labeled with codes such as R-1-8(H-I), R-G-29(H)(H-I), P-96-1(H), and P(H)(H-I). A large shaded area is labeled P(H)(H-I). The map also shows several commercial areas labeled with codes like P-72-2(H), P-85-23(H-I), and P-6-H(H-I). The map is oriented with North at the top.

# EXHIBIT "B"

Attached to and made a part of

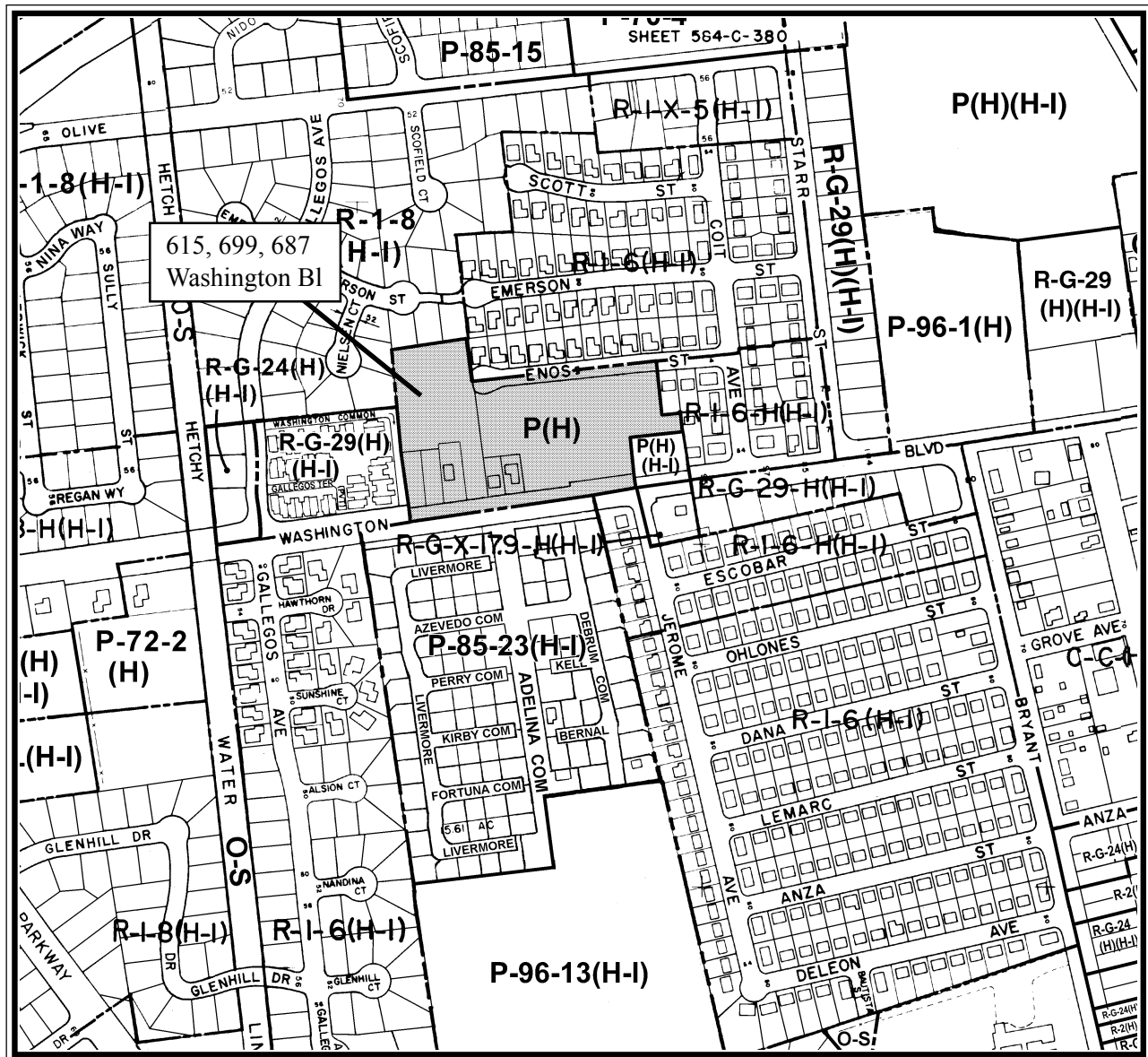
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04 .

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE MISSION SAN JOSE PLANNING AREA



From: P(H)(H-I)

To: P(H)

Project Name: Mission Villas

Project Number: PLN2003-00266 (pd amend)

[pc on 01-22-04] 84-376, 84-380



**EXHIBIT "E"**  
**Mission Villas**  
**PLN2003-00266**

**FINDINGS**

The following findings are made by the Planning Commission on January 22, 2004, incorporated hereby:

1. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of a preliminary and precise "P" district approval because the site is of adequate size to construct the project as a single-phase development.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.
3. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use. The code-required on-site circulation and parking improvements can reasonably and adequately serve the residential development.
4. That any exception from standard ordinance requirements may be warranted by special design and planned district amenities incorporated in the future precise site plan, in accord with adopted policy of the Planning Commission and City Council. Upon proposal of a development project through the Planned District process, the applicant may propose modifications to the Fremont Municipal Code for Planning Commission consideration that will allow development that is consistent with the General Plan land use designation and the existing surrounding residences.
5. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. This site is an infill development, with the land surrounding this site already developed.
6. That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Medium Density Residential (6.5 to 10 and 15 to 18 dwelling units per acre) and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan.
7. That existing or proposed utility services are adequate for the population densities proposed. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
8. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

**General Conditions**

- A-1 The approval of PLN2003-00266 shall conform to Exhibit "A" (Site Plan, Floor Plans, Elevations and Landscape Plan), Exhibit "C" (material and color board) and all the conditions of approval set forth herein. This Planned District, P-2003-00266, entitles the construction of 18 single-family homes and 54 townhomes.
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.

- A-4 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park land in-lieu, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. A fee credit shall be given for the existing homes to be demolished.
- A-5 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect.
- A-6 The height and location of fences shall be reviewed for conformance with Zoning Ordinance requirements and compatible design during the Development Organization review process. The applicant shall work with staff to refine the details of fencing and other architectural details as necessary through this process.
- A-7 Construction hours will be limited by conditions of approval and no construction will be allowed on Sundays. Construction activities shall be limited to the following hours of operation: 7 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 6 p.m. Saturday.

### **Site Planning**

- B-1 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages shall be reserved for car parking and shall not be used for storage. This requirement shall be made a tentative tract map condition of approval and incorporated in the project CC&Rs subject to the approval of the City Engineer.
- B-2 The street lighting illumination level for the private vehicle access ways shall meet public roadway standards. The proposed lighting of the main aisle shall be located to reduce the potential for glare or light spillage onto adjacent properties.
- B-3 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.
- B-4 All onsite signage, including directional signs, stop signs and other traffic signs, etc, shall be installed on 4x4 pressure treated wood posts (and NOT galvanized metal posts) wherever possible, subject to staff approval.
- B-5 The applicant shall work with staff to refine the details of fencing, railing on patios and other architectural details during the Development Organization review process.
- B-6 Prior to the removal of any existing structures, the applicant shall obtain a demolition permit from the City.
- B-7 The applicant will be required to paint the garages the same color as the body of the house and not white or an accent color.

### **Building Design**

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- C-2 Final building design, colors and materials shall be consistent with Exhibit "A" (Site, Architecture, Grading, and Landscape Plans) and Exhibit "D" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3 All garage doors shall be equipped with automatic garage door openers.
- C-4 The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.

- C-5 No exterior additions or modifications to the residences, including the addition of pre-manufactured sunrooms, shall be permitted. This condition shall be incorporated into the CC&Rs for this project. Additionally, this condition shall be incorporated as a deed restriction for each lot within the development, subject to the review and approval of staff prior to the acceptance of the first Final Map for this project.
- C-6 All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way as well as from adjoining properties, subject to the review and approval of staff during the Development Organization review process.

### **Engineering Conditions**

- D-1 The project shall conform with Exhibit "A" (staff amended Site Plan) and all conditions of approval set forth herein.
- D-2 A tentative tract map application and preliminary grading plan application shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review.
- D-3 The Developer shall dedicate right-of-way and install complete street improvements for the public streets surrounding the project site: Washington Boulevard and Enos Street. The following are the minimum dedication and street improvement requirements for these public streets.
- D-4 Washington Boulevard: Right-of-way dedication is required to provide for the ultimate planned right-of-way of one hundred and four feet (104'). The developer shall install complete street improvements up to the centerline of Washington Boulevard. Street improvements include, but are not limited to: installation of sidewalk, landscape, irrigation, streetlights, fire hydrants, and storm drain facilities; and relocation of existing utilities. The existing overhead utilities along the project frontage shall be removed and installed underground by the developer. Off-site improvements at the project boundaries, both east and west, may be needed in order to provide safe and appropriate transition between the existing and new street improvements. All required dedications and street improvements are subject to review and approval of the City Engineer prior to final map approval.
- D-5 Enos Street. Right-of-way dedication is required to provide for the ultimate planned right-of-way of fifty-two feet, with a pavement width of thirty-two feet. Enos Street shall be terminated with a City standard type "A" cul-de-sac bulb. The developer shall install complete street improvements for the extension of Enos Street and shall install complete street improvements to the centerline of Enos Street for the frontage of lots 9 through 18. Street improvements include, but are not limited to: installation of landscape, irrigation, streetlights, fire hydrants, storm drain facilities; and relocation of existing utilities. Additionally, the developer shall remove the existing cul-de-sac on Enos Street and replace it with the City standard for minor residential street, including along the frontages of lot 11 and lot 12 of Tract 1389.
- D-6 The tentative tract map application shall include full-width, scaled cross sections of both Washington Boulevard and Enos Street.
- D-7 The developer shall dedicate a minimum six-foot wide private service easement along the Washington Boulevard and Enos Street frontages of the project site.
- D-8 City standard type "E" driveways shall be used for both the Washington Boulevard driveways, other than the emergency vehicle only driveways, which are subject to review by the Fremont Fire Department prior to final map approval.
- D-9 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- D-10 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.

- D-11 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using stencils available from the Alameda Countywide Clean Water Program. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- D-12 All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
- D-13 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- D-14 The developer and project civil engineer shall work with staff to incorporate, into the design, additional storm water best management practices (BMPs) to treat storm water runoff before it is discharged into the public storm drain system. Examples of potential storm water BMPs include bio-swales, micro-detention ponds, and permeable pavement. Details of the storm water BMPs shall be included with the preliminary grading plan application.
- D-15 A structural control, such as a drop-in inlet filter or other approved equal, is to be installed within paved areas on site to intercept spills and pretreat storm water prior to discharge to the public storm drain. The design, location, maintenance schedule and maintenance responsibility are subject to staff approval during Development Organization review.
- D-16 All monitoring wells shall be destroyed in accordance with the Alameda County Water District. All other provisions of the Alameda County Water District letter dated December 19, 2003 shall be complied with.

#### **During Construction/Grading**

- E-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the residences.

#### **Fire Department Conditions**

The Fire Department will review plans and specifications at the tract and building permit stage to ensure compliance with all applicable codes and policies. The following conditions are preliminary and will be subject to staff review and approval:

- F-1 The applicant shall meet all requirements in the California fire code and all local amendments to that code in Ordinance #2485. The single family homes on Enos Street exceed the number allowed by C.F.C appendix III-D without a second point of access and the width of the street is less than required. Exceptions on street width may be remedied by additional fire protection. The number of accesses required may only be relieved by the Fire Chief or Fire Marshal. The applicant shall provide additional information and meet these conditions.
- F-2 The applicant shall install an automatic fire sprinkler system in all buildings for fire protection purposes.
- F-3 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13R /M for R-1 occupancies and 13D with local amendments for R-3 occupancies
- F-4 Automatic fire suppression systems in all group R-1 occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater closets, laundry rooms attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.
- F-5 All Automatic Fire Suppression Systems Fire Department Connections shall have the following installed/provided
- a) Address placard installed at the connection.
  - b) Knox Cap installed on every inlet.

- F-6 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
- F-7 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations. This is required to be provided at the final map and permits stage.
- F-8 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-9 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 902.2.1.
- F-10 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- F-11 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- a) The applicant shall provide a fire alarm system as set forth in C.F.C 1006.2.9.1.1 as amended in ordinance 2485 for all buildings with 8 or more units.
- F-12 Building over 35' in height require fire apparatus roadways with a minimum 26' width. Set back from buildings must equal 1/4 height of the building plus a 26' roadway. Ex: 4 story 48' peak roof divided by 1/4 = 12' setback, plus 26' roadway. If a fire hydrant is required, the road must be 26 foot wide for 20 feet on both sides of the hydrant(s).
- F-13 Fire apparatus roadways maximum 18% grade. Any roadway 15% or > grooved concrete, less than 15% asphalt.
- F-14 Addresses must always be visible from Public Street. Addresses must be illuminated. Flag lots must have monument sign and green bott dot.
- F-15 Any/all new street names and addressing shall be approved by the City.
- a) addresses will be required on front or back of all R-1s
- F-16 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. **These driveways/access roads shall be designated as Fire Lanes.** Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended)
- a) All drive ways in the R-1 areas shall be fire lanes.
- F-18 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps installed.
- F-19 Fire hydrant spacing requirement is 300 for R-1 areas and 500 feet for single family (R-3) feet. The distance is measured as the fire engine travels on all- weather surfaces.

### **Environmental Services Department Conditions:**

- G-1 Identify the total amount of impervious surface area that will be generated by the development (roofs, parking lots, driveways, private streets, walkways, etc)
- G-2 The current plan does not identify any treatment of stormwater runoff at the site. Runoff from paved surfaces (roofs, parking lots, etc) must be treated for pollutants prior to entering storm drain system. Options to treat stormwater runoff at the site prior to runoff entering storm drains specific to this development site include but are not limited to:
- Disconnect roof drain downspouts and allow roof runoff to drain to a landscaped area prior to entering storm drain system
  - Use grassy areas as filter strip for runoff
  - Incorporate a vegetated swale or other stormwater treatment device at the site
  - Use pervious pavement instead of concrete on walkways
  - Install filter media in storm drain inlets
- G-3 Describe how the post-construction BMPs will be maintained, maintenance schedule and responsible party. If a homeowners association will be established include responsibility for maintenance within the CC&R's.
- G-4 The owner and/or developer is responsible for ensuring that all contractors are aware of all stormwater quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders. Please provide the attached Storm water/ urban runoff requirements to the applicant.
- G-5 The City of Fremont Project Waste Management Plan must be completed by the applicant and returned to the Environmental Services Division prior to beginning any demolition or construction.
- G-6 Within 5 days of completing the project, the applicant must document actual salvage and diversion during demolition and construction by completing and returning the Post-Project Solid Waste Disposal & Diversion report to Environmental Services.
- G-7 Debris boxes and hauling of garbage for disposal must be contracted with the City's franchised hauler, BFI.
- G-8 Garbage and recycling service to the Mission Villas complex must be contracted with the City's franchised hauler, BFI.
- G-9 The emergency exits (EVAs) on the plans must be made available to trash and recycling vehicles entering and exiting the property. Bollards must be removed by 5 a.m. to allow truck access on the scheduled collection day.
- G-10 Each garage must have at least 27 square feet of floor space for storage of garbage and recycling carts, with 48" height clearance.
- G-11 There must be room between the townhouse garages and driveways for setout of the waste containers such that the containers do not block driveways or lanes.
- G-12 Each unit must include interior storage, in or near the kitchen, of six cubic feet for trash and recycling storage.
- G-13 Applicant must comply with City of Fremont Waste Handling & Recycling Requirements.

### **Landscaping Conditions:**

- H-1 The following on site trees are to be preserved: numbers 87 Magnolia, 88 Magnolia, 89 Magnolia, 91 Magnolia, 92 Magnolia, 93 Magnolia and 95 Incense Cedar. In addition the 2 Chinese Tallow trees located on Lot 11 Tract 1389 and the Casurina on Lot 16 Tract 1196 as shown on Sheet L-1.of Exhibit C shall also be preserved.

- H-2 The City shall hire an Arborist at the client's expense to analyze the impacts of the development on the trees and prepare specific guidelines for the preservation of these trees during the Tract Improvement Plan review.
- H-3 A retaining wall up to three foot tall is required to preserve tree number 95, Incense Cedar. Alternative options may be proposed during Improvement Plan review and are subject to the approval of the City Landscape Architect and the City Engineer.
- H-4 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
- a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
  - b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
  - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- H-5 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements under condition number three and City Standard Detail SD-34 City Standard Street Tree Clearances.
- H-6 A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a. An underground irrigation plan.
  - b. Weed control specifications.
  - c. A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
  - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
- H-7 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.

#### **Office of Housing and Redevelopment Conditions**

- I-1 The Property Owner shall enter into a BMR Developer Participation Agreement with the City to provide at least 10% of the for-sale homes (a total of 8 townhomes in the Mission Villas Development) for participation in a below market rate (BMR) sales program approved by the Office of Housing and Redevelopment. The BMR Developer Participation Agreement shall run with the land.

The BMR Developer Participation Agreement shall include the following provisions:

- BMR units must be affordable to families earning no greater than 110% or below of the then current county median income as defined by the United States Department of Housing and Urban Development;

- Units shall be available only to first time homebuyers as defined under the California Housing Finance Agency Mortgage Program who currently reside within the County of Alameda. To the extent permitted by law, preference shall be given to those who currently live or work within the City of Fremont
- To insure long-term affordability, and to assist the greatest number of families over the longest feasible time, BMR units shall be subject to resale restrictions under individual agreements developed by the City of Fremont, which shall be binding for a minimum of 30 years.
- The BMR sales price shall be computed as follows:  
 For the two bedroom unit, the sales price shall be computed based upon the then current at the time of sale maximum moderate income for a family of three times a multiplier of 3.5, and for three bedroom units, the sales price shall be computed based upon the then current at the time of sale maximum moderate income for a family of four times a multiplier of 3.5. For January 2004, the sales prices would be:  
  
 2004 Current BMR sales price:  
 2 bedrooms (family of 3 at 110% of area median income): \$265,475  
 3 bedrooms: (family of 4 at 110% of area median income): \$294,875
- The City of Fremont Office of Housing and Redevelopment will conduct the Buyer Selection process and will provide eligible homebuyers to the Developer. The selection process will be described in the BMR participation agreement.